

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re: )  
 )  
Joshua Means and Jessica Means )  
 )  
 ) Case No. 20-41032-659  
Debtor )  
 )  
 ) #65  
 ) (Notice of Default #80 – 9/13)  
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 )  
US Bank Trust National Association as )  
Trustee of the Tiki Series III Trust, )  
 )  
 )  
Movant. )

**ORDER GRANTING RELIEF AND CO-DEBTOR RELIEF AFTER  
DEFAULT OF SETTLEMENT**

U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust and the Debtor previously filed a Consent Order and Stipulation in Settlement of Movant's Motion for Relief and Co-Debtor Relief. Said Consent Order and Stipulation provides that in the event the Debtor failed to comply with the terms of the Consent Order and Stipulation, Movant would be entitled to an Order granting relief upon first providing fourteen (14) days written notice of the breach to the Debtor, counsel of record for the Debtor, the Court and the Trustee. Movant and current holder of the Note and Deed of Trust, U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust, has provided the fourteen (14) day Notice of Breach of the Consent Order and Stipulation.

Upon consideration of the pleadings filed and the record as a whole, the Court finds and concludes that the Debtor failed to comply with the Consent Order and Stipulation filed in settlement of Movant's Motion; that Movant has a security interest in the following real property:

**LOT 109 OF THE ESTATES AT WILLIAMS CREEK PLAT TWO, A SUBDIVISION  
IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF  
RECORDED IN PLAT BOOK 354 PAGES 1015, 1016 AND 1017 OF THE ST.  
LOUIS COUNTY RECORDS**

The Court further finds and concludes that there is no equity in this property for the benefit of the bankruptcy estate, that the property is of no value to this estate, that the property is not necessary for an effective reorganization, and that Movant is not adequately protected. It is therefore,

**ORDERED** that the stay provided for by Section 362 and 1301 of Title 11, United States Code, is terminated to permit the Movant, or its successors and assigns to foreclose its security interest in the herein described property and to pursue its remedies

in accordance with the security agreement and state law, including obtaining possession of the property after foreclosure.

**IT IS FURTHER ORDERED** that relief from the automatic stay and co-debtor stay is granted to Movant, or its successors and assigns effective immediately and that relief from the automatic stay is not stayed for fourteen (14) days pursuant to Rule 4001.

**IT IS FURTHER ORDERED** that the Chapter 13 Trustee is directed to discontinue payment on all claims secured by the property against which relief from the automatic stay is granted in this Order. The Trustee is directed to resume payment on such claims on notification pursuant to L.B.R. 3021-1 A.

**IT IS FURTHER ORDERED** that Movant, or its successors and assigns shall be permitted to communicate with the Debtor to the extent provided for under nonbankruptcy law.

All further relief prayed for by Movant is hereby **DENIED**.

**SO ORDERED:**

*Kathy A. Surratt - States*  
KATHY A. SURRETT-STATES  
Chief U.S. Bankruptcy Judge

DATED: September 14, 2021

St. Louis, Missouri

jjh

Order Prepared and Submitted by:

Marinosci Law Group, P.C.

/s/ David V. Noyce

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